

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

KENNETH BLUE, §
 §
 PLAINTIFF, §
 §
 §
v. §
 CIVIL CASE. 3:19-CV-1799-K-BK
 §
 §
 §
VETERANS MEDICAL CENTER, §
 §
 DEFENDANT. §

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

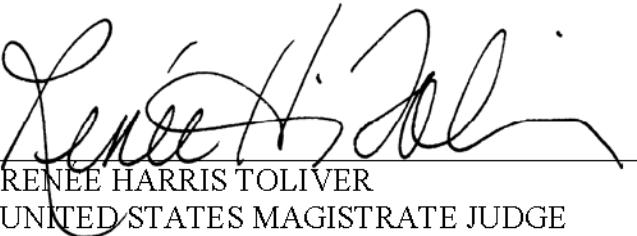
Pursuant to 28 U.S.C. § 636(b) and *Special Order 3*, this case was automatically referred to the undersigned for pretrial management. On July 29, 2019, Plaintiff filed this *pro se* action against Defendant and paid the \$400.00 filing fee. Having paid the filing fee, Plaintiff is responsible for serving Defendant with summons and a copy of his complaint as required by Rule 4(c) of the Federal Rules of Civil Procedure. As of the date of this order, however, Plaintiff has not done so.

If a plaintiff does not serve a defendant within 90 days after the complaint is filed, the court must – after notice to the plaintiff – dismiss the action without prejudice against that defendant or order that service be made within a specified time. FED. R. CIV. P. 4(m). If, however, the plaintiff shows good cause for his failure, the court must extend the time for service of process. *Id.*

Because Plaintiff filed this action on July 29, 2019, he had until October 28, 2019 to serve Defendant, but did not do so. Accordingly, on November 4, 2019, Plaintiff was ordered to effectuate proper service of the complaint and summons on Defendant by November 18, 2019. [Doc. 5](#). Plaintiff was also warned that his failure to comply by that date would result in the

dismissal of this case without prejudice and without further notice. [Doc. 5](#). As of the date of this recommendation, Plaintiff has not served his complaint and summons on Defendant or demonstrated good cause for his failure to do so. Indeed, he has not filed any pleading or document in this case since the day he filed his complaint—indicative of his abandonment of this action. Accordingly, this action should be **DISMISSED WITHOUT PREJUDICE**.

IT IS SO RECOMMENDED on December 18, 2019.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of these findings, conclusions and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions and recommendation must file specific written objections within 14 days after being served with a copy. *See 28 U.S.C. § 636(b)(1); FED. R. Civ. P. 72(b)*. An objection must identify the finding or recommendation to which objection is made, the basis for the objection, and the place in the magistrate judge's findings, conclusions and recommendation the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Automobile Ass'n, 79 F.3d 1415, 1417 (5th Cir. 1996)*.